

CITIZEN'S TRANSPORTATION OVERSIGHT COMMITTEE

Arizona Department of Transportation

Minutes

November 28, 2006

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Arizona Department of Transportation, 206 South 17th Avenue, Room 145-147, Phoenix, Arizona 85007 on November 28, 2006 with Jack Lunsford, Member at Large presiding.

Members Present:

Jack Lunsford, Member at Large
Nelson Ladd, Maricopa County District 3
George Davis, Maricopa County District 4

Members Absent:

Roc Arnett, Chairman
Terry Rainey, Maricopa County District 1

Others Present:

Jondrigus Fisher, WSA Security
Bill Hayden, ADOT
Dan Lance, ADOT
Bob McKnight, Citizen
Elizabeth Neville, ADOT
Sandra Quijada, ADOT
William "Blue" Crowley, Citizen
Dianne "DD" Barker, Citizen
Tony Valencia, Security

David Kirkup, Citizen
Edward Johnson, Citizen
Randall Overmyer, City of Surprise
Kwi Kang, ADOT
Sintra Hoffman, City of Surprise
Floyd Roehrich, ADOT
Bob Hazlett, MAG
Craig Rudolphy, ADOT
John Hunter, Deloitte & Touche, LLP

1. Call to Order:

Jack Lunsford, Member at Large, Called to Order the Citizen's Transportation Oversight Committee meeting at 4:00 p.m. He welcomed the public, officials, Board Members and staff to the meeting.

2. Approval of the Minutes for September 26, 2006:

Mr. Lunsford called for a motion to approve the minutes of the September 26, 2006 meeting.

Board Action: George Davis moved to approve the minutes and the motion was seconded by Nelson Ladd and carried unanimously.

3. Staff Report:

Bill Hayden, with ADOT, provided a brief synopsis of the Freeway Construction and related issues. Most important to east valley commuters was the recent opening of two new ramps on the SuperRedtan Traffic Interchange connecting US60, the Santan Freeway and the future Red Mountain Freeway. A graphic was shared indicating new access. This will complete four of the eight ramps planned for that interchange. An ongoing project is the widening of general purpose and HOV lanes on US 60 from Gilbert Road east to the SuperRedtan Traffic Interchange to be completed in the summer of 2007. The remaining piece in the east valley will be the completion of the Red Mountain Freeway extending from Southern Avenue north to Power Road. That will complete the 20-year program initiated in 1985. In the Scottsdale area on Loop 101, from Princess Drive proceeding south to the Loop 202 Traffic Interchange, plans in 2007 include adding HOV lanes north and south on the Loop 101 and replacing the cable barrier with concrete. The project will continue south moving to the west valley, on the Loop 303 Happy Valley to I-17, 30 percent design plans are underway. Construction will begin in fiscal year 2008. From Peoria Avenue to Bell Road, 30 percent plans are underway with anticipated completion in March 2007. From Bell Road to Grand Avenue, 30 percent plans are underway and are due in December 2006. The State Route 801 or the I-10 Reliever to Grand Avenue Environmental Study is underway and due in September 2007 and DCR is underway and due in October 2007. On the South Mountain Freeway, the second iteration of the Administrative Draft is underway with plans to complete and submit to the Federal Highway Administration for review and approval in January 2007.

In reply to a question, this will be for a section from I-10 and 55th Avenue south to Laveen, stopping short of South Mountain Park, addressing the westerly side of South Mountain. There are ongoing discussions with Ahwatukee residents and Senator Huppenthal has become involved in the process.

Jack Lunsford, Member at Large asked about the Tribe's willingness to help.

Mr. Hayden said that there was a newspaper article stating that the Gila River Indian Community indicated interest in discussing South Mountain, however that is not correct. The Tribal Council, with direction from the Governor, initiated a task force, to begin dialogue for plans for I-10 widening which is a parallel project intending to address issues.

On I-17, the Carefree TI, final design is underway. Jomax, Dixileta TIs plans are 100 percent complete and plans to advertise for construction will move forward after January 1, 2007. On I-10, 43rd Avenue and 51st Avenue TIs opened and a contractor will move forward shortly. Sarival to SR 101 Loop final plans are due in December 2006. SR 303 to Dysart Road, the outside widening is being reviewed by staff. With the Bullard Avenue TI, rights-of-way are being acquired for the ultimate I-10 widening. Advertisement scheduled is in January 2007. With the El Mirage TI, there have been ongoing discussions with Avondale and staff about accelerating that project. The I-10 Reliever, the SR801 from SR 303 Loop to SR202 Loop scoping continues with anticipated completion in May 2007 with 30 percent plans to follow to be completed in January 2008. The section from SR85 to SR303 studies continue. On Grand Avenue from SR303 Loop to the 101 Loop the design concept report and environmental documentation is underway with the first draft due in December 2006. The 99th Avenue to 83rd Avenue widening is stage four plans are due in December 2006.

4. Financial Compliance Report for FY Ending June 2006:

Jack Lunsford, Member at Large, introduced John Hunter, Deloitte & Touche, LLP, Audit Services.

Mr. Hunter reported that Deloitte is the auditor for ADOT and also audits the finances for the Maricopa Regional Area Fund. As part of the Maricopa Regional Area Fund, they also do an agreed upon procedures report. An agreed upon procedures report is based on specific procedures which CTOC gives them to do. They don't represent an audit, or a review or an opinion. What is given are findings of those procedures they were asked to do. Mr. Hunter presented the finding on those procedures. They obtained a list of payments made to all contractors, professional services from the Maricopa Area Regional Fund and from that

list they were asked to randomly select 25 payments. They take the 25 items back and to the reports that are being issued to make sure that those reports include the exact information that is on the expenditures. They make sure the classifications on the expenditures agree and that the classifications are approved to be spent for those services. They look at the expenditures and when they go to the project, they look to see that none of those projects were over expended. The findings on those procedures are that there were no exceptions found on any of those procedures. The audit on the Maricopa Area Regional Fund and ADOT went very well this year, as they do historically.

In reply to a question to clarify, Mr. Hunter stated that the reports were positive reports with no exceptions.

Mr. Lunsford said that ADOT should be congratulated on the excellent reports.

Questions Asked:

Dianne Barker, citizen, asked a question about the word "audit".

Mr. Hunter explained the difference between an audit and an "agreed on procedures report."

Nelson Ladd, Board Member asked how a specific audit or procedures are done with the number of entries and how it can fair well.

In reply Mr. Hunter stated they are not auditing all the transactions. They are auditing a sample based on statistics based on the size of the population.

Bill Hayden, ADOT noted that in addition to the audit that Mr. Hunter referenced, a Five-Year Performance Audit is performed through the Attorney General's Office and done by an independent auditor. The last Performance Audit for the Regional Freeway System was recently completed. The audit proved that funds are being managed well and there were suggestions for administrative adjustments. This agreed on procedures report is in addition to that audit.

Board Action: Nelson Ladd moved to accept the Independent Accounts' Report on Applying Agreed-Upon Procedures and the motion was seconded by George Davis and carried unanimously.

5. Hassayampa Study:

Bob Hazlett, Maricopa Association of Governments (MAG), gave an update on MAG's Framework Studies. Development is being reviewed outside of the east and west valleys and areas surrounding the valley are adding traffic and pressures to the transportation system. The Hassayampa Valley, west of the west valley, Hidden Valley and Northern Pinal County are included in Framework Studies to review corridors. The Hassayampa Valley Framework Study is underway; presentations have been made. The Hassayampa is roughly 1,500 square miles. Currently, the Metropolitan area is roughly 2,000 square miles. I-10 is an important corridor not only for movement for the communities but the lifeline to Long Beach and freight. Because every community wanted TI's to I-10, a question was asked about the framework. That is how this project came into being. Issues include the White Tank Mountains separating the area from the rest of the valley. A study review team has been meeting to discuss the framework, meet with developers and other stakeholders and review alternatives including more than 45 different transportation plans. Assumptions found that the Hassayampa Valley build-out will be 2-3 million people, generating 8 million trips per day, assuming 50 percent of the trips to schools, shopping and work will stay within the study area and that about 3 million trips daily will leave the Hassayampa Valley. The conceptual framework includes identifying high capacity corridors spaced at six to ten miles, considering medium capacity corridors, being sensitive to the White Tanks environment and developing multi-modal transportation. Preliminary Network Assessment

data was gathered on centerline miles by facility type, lane miles by facility type, lane miles by 1,000 persons, Phoenix Urban Area transportation service comparison and peer city transportation service comparison. Future activities include a Study Review Team meeting on December 7, 2006, a Developer and Public Information forum on December 14th, a release of the draft project working papers in January 2007 and recommendations for MAG by March 2007. In regard to the Hidden Valley Roadway Framework Study, a consortium of agencies is working to address needs as well as prioritize improvements. The area includes approximately 1,800 square miles and could include 3 million people by build-out. There are 5 million people in Phoenix, about 3 million in Hassayampa, 3 million in Hidden Valley for a total of approximately 12 million people in the Metropolitan Phoenix area at build-out. The schedule for this is to get a general framework by December 2007 and recommendation for MAG and CAAG by July 2008.

Questions Asked:

Nelson Ladd, Board Member, asked about the cost and if it included the highways, right-of-ways and if there could be exchanges of federal lands.

Mr. Hazlett, MAG, answered that there are different things being looked at to fund the projects. There is a significant financial component. For example, things being looked at are toll roads, public-private partnerships, community facility districts and more.

Nelson Ladd, Board Member, followed up regarding the \$5,000 per person being an old figure.

Mr. Hazlett, MAG, stated that they are trying to cover as much as they can. The development community is stepping up to try and figure out how to make this work.

Jack Lunsford, Member at Large said that if the governments come forward to promote this, then will it be viewed as self-serving. If the businesses come forward, it will be visionary. Developers are stepping up to help.

George Davis, Board Member, commented about the future population growth, the hundreds of miles of roads and the need for more jobs. He asked about the timeline and if the population growth is going to continue to be ahead of the roads.

Mr. Hazlett, MAG, replied that it is a delicate balance. Build-out scenario estimates are used. The idea is to take the estimated build-out and determine the system. There needs to be a partnership between government and business to make this occur.

Question asked:

William "Blue" Crowley, citizen, asked about the Canamex location and where are they going to get the water?

Bob Hazlett, MAG, stated that all titled properties have to go through the 208 process that ensure water is there for the developments. Only properties that are entitled are reviewed. Regarding the Canamex, a freeway alternative for the possible move of the Canamex onto that was identified.

6. Proposed CTOC FY 06-07 Budget & Status Report on STAN Funding:

Bill Hayden, ADOT, discussed the annual proposed CTOC Budget for 2006-2007. The total operating budget is \$43,000 and includes report fees, employee expenses, transcription activities, routine business costs and other administrative costs.

Questions asked:

Nelson Ladd, Board Member, asked if CTOC pays for the audit. Bill Hayden replied that yes, we do at an estimated cost of \$13,000.

George Davis, Board Member, asked to compare this year's budget with last year's. Bill Hayden said that the budget last year was approximately \$121,000, a significant difference due to the final payment of the Five-Year Performance Audit cost.

Jack Lunsford, Member at Large asked about the funding source. Bill Hayden said that the Legislature included specific funding associated for this activity.

Dianne Barker, citizen, asked about specific budget expenditures. Her question was answered.

William "Blue" Crowley, citizen, asked if CTOC paid for security personnel. Bill Hayden replied that the service is paid by ADOT.

Jack Lunsford, Member at Large asked the Board for approval of the CTOC Budget for FY06-07.

Board Action: Nelson Ladd moved to approve the CTOC FY06-07 Budget and the motion was seconded by George Davis and carried unanimously.

Bill Hayden, ADOT, provided a status report on STAN funding. This "Statewide Transportation Acceleration Needs Account" was approved during the last Legislative Session and allocates funding to assist the Department in transportation needs statewide. It provides \$307 million for projects including the acceleration of highways. Eligibility criteria included project readiness, environmental studies underway or nearly completed and design concept reports at 30 percent or more. Construction projects were identified and prioritized as to their readiness including right-of-ways. There has not yet been formal approval. MAG members have been reviewing and prioritizing projects and a process for narrowing projects is in place to recommend projects to send to the MAG Regional Council for approval at a December 13 meeting. They will review and possibly approve the recommendations. Those recommendations will be forwarded to ADOT and the State Transportation Board to review and possibly approve at their December 15 meeting. The recommended list of projects include: (1) I-10 from Verrado Way to Sarival Road, construct 5.7 miles of general purpose lanes for \$46.9 million, moving west toward SR 85; (2) I-17 from Anthem Way to Carefree Highway, construct 5.1 miles of general purpose lanes for \$33.1 million, continuing a dramatic amount of construction on I-17 during the next several years.

In reply to a question asked by Jack Lunsford about the construction on Loop 101 north, Bill Hayden stated that the timing of the general purpose lanes and HOV lanes will begin in late FY07/08.

(3) Loop 303, recommendation is a partial traffic interchange at Bell Road and Loop 303 due to the dramatic business growth and a second piece is to construct bridge structures at Cactus and Waddell Roads and the Loop 303; (4) Loop 101 from Tatum to Princess Drive, add 5.2 miles of HOV lanes to Loop 101 Freeway; (5) Loop 101 Price Freeway from Baseline Road to Santan Freeway, add 5 miles of HOV lanes; and (6) Williams Gateway Freeway, from Loop 202 to Meridian Road, adding \$20.3 million for right-of-way protection. Senator Verschoor, Chair of the Senate Transportation Committee indicated he plans to initiate further STAN funding this legislative year for an additional \$200 million.

Questions Asked:

Nelson Ladd, Board Member, asked about the Red Mountain Freeway alignment.

Bill Hayden, ADOT explained that at the time the project was developed we could maximize the area and minimize impact on the neighborhood providing a positive location with the least environmental damage to the Mesa area. There are a number of factors that go into the location process including social, economic, environmental and so forth.

Jack Lunsford, Member at Large added that in this case the City of Mesa did not want it. He said that one of the shortcomings that STAN didn't provide was the capability of a vote. He believes a fairer number would be \$100 million in a bond.

Bill Hayden, ADOT said that another element that was considered was the \$307 million should be spent just on right-of-way acquisition and to acquire right-of-way for future construction.

William "Blue" Crowley, citizen, asked about adding HOV lanes on TEA-21 in addition to general purpose lanes. Bill Hayden said that in the first five years of the Regional Transportation Plan, there is approximately 110 additional miles of HOV lanes to improve the west valley.

7. Call to the Public:

Dianne Barker, citizen, announced that on December 13th at 5:00 p.m., there is a MAG Regional Council Meeting. On the agenda, the MAG public process will be discussed and an adoption. This is significant because the public is always trying to communicate with the government. Recently, she got an answer from MAG and stated that regarding communications is "timeliness." When can we expect an answer to our questions? She received an answer from Jason at MAG and was told that within 24 hours they would get back to her. She followed up with an e-mail to Jason and asked what's the second step and when would the answer come, spontaneously within 24 hours or what would be an answer to the time when the public would reasonably hear back. That is basically the problem; the public keeps calling back when they don't get an answer. She asked for help with communication and citizenry. She stated in addition, there is an announcement in the paper that Maricopa County has 23 monitors and it's available through the County website so people can see what the different pollution levels are. Phoenix is escalating small buses for circulators to get people to use alternative transportation. Success can be measured in ridership. On the national front, watching Congress, issues include ethics reform. Before the complaints were sent to the House, they want to have independent committees handle that before they go to the general body. Again, maybe there can be some better communication. The earmarks that have gone undisclosed as to who the sponsor was and other things that can shed light on the process or take a cloud off can be addressed. And as a citizens follow up, Ms. Barker still has not received an answer from Phoenix Sky Harbor regarding the 5309 federal funds that were passed and it is understood that they were not to be used for the purpose that they were - analysis of the Light Rail. She is asking for the answer.

Bill Hayden said that his last conversation with the attorney representing the Federal Aviation Administration was that they had taken the information provided regarding the expenditures, studies, planning efforts and more associated with transportation in and around Sky Harbor Airport, including the Light Rail program, and the environmental study and they are currently reviewing. Therefore, we do not have an answer yet. We will share the information when we hear the final decision or analysis.

Dianne Barker, citizen, followed with a comment that they have had this in process for longer than a year and next week if the timeline can be identified, maybe that information can be shared.

Jack Lunsford, Member at Large said that it could be an issue of privilege and they don't have to share it or it becomes an issue where they do have to share it. It depends on how it is determined in advice from Council to the government whether they have to share it.

Dianne Barker, citizen responded that she will not argue on that point and she deserves hearing if it is attorney client or the other and if that is what the shield is she will go find where the attorney client is not a shield to the public knowledge.

Jack Lunsford, Member at Large said that if ADOT is not the jurisdiction, whatever is revealed is courtesy and the focus of Ms. Barker's inquiry, although we will help where we can, needs to be with the entity where the jurisdiction is.

Dianne Barker, citizen responded that you have the oversight for the freeway and the Area Road Fund and it's within the MAG plan. The rail is within the MAG plan. It is significant because the project is going on. If it's not based on justice, we need to look at it. This was paid two years late. With the information we have, this was not suppose to be used, those kinds of monies. This is significant.

Jack Lunsford, Member at Large said that to clarify, if we don't have statutory jurisdiction, we can't do anything. That's not a cop out, that's a function of the statute.

Dianne Barker, citizen, said that she needs to know under what law; you are claiming you don't have the statutory.

Jack Lunsford, Member at Large said that the powers of CTOC are not very broad.

Dianne Barker, citizen said that if you just want to say they are under the Regional Area Road Fund, you don't have anything to do with federal, the feds are paying into the Regional Area Road Fund of MAG and you are only our entrance to this whole thing, we could better communicate with you than MAG. I appreciate the efforts, but I would appreciate hearing back.

Bob McKnight, citizen said that he was interested in the auditor's comment indicating that the normal audit routine doesn't usually turn up much because everybody knows what it is and knows how to cover their tracks, for example the whistle blowers. He is pleased to see the Hassayampa being looked at and read in the paper that the Union Pacific would like to put a rail down around Picacho. He feels it should be put around Gila Bend and that we should look at that valley on SR85 as well as the Hassayampa. The switch off to Arizona California Railroad which goes to Parker and the Union Pacific continuing and making a rail yard at Gila Bend makes a lot of sense. Pressure from the government would be helpful to help get a good location. We're building all these freeways, but we're missing other avenues to reduce commute traffic. We don't try to educate people of where there are roads that might get them someplace. There can be a lot we can do to educate people on how to get around using the existing infrastructure. We need to spend a little money to disburse traffic. We keep hearing about escalating contract costs. When we put the contracts down, we need to put in there that if the price goes up; it's going to be market value only, no more mark up on it. Maybe that happens. I don't know. It appears that they get renegotiated and the negotiations should be up front. If there is going to be any inflation it should be evaluated on the initial contract. I think they are playing games with us. I think the contractor knows stuff is going to go up. And, let's do more work at night, particularly in the summer time. Things could speed up.

William "Blue" Crowley, citizen said that Mr. Nelson, District 3, has had the Phoenix representation for 14 years and the original legislation was that it was suppose to move around. I was the last appointee Mary Rose tried to put through this past August when Miss Neville said you can't do that. She was also part of the situation, when your predecessor was appointed to follow Mary Rose and said I have to be reappointed which was against the law at that time and I have requested for six months now, a letter from Ms. Neville explaining to me why District 3 has this ability to be the representative from Phoenix when for three times, Mary Rose has tried to appoint me to it.

Then I looked at the minutes from the last meeting and I see that the situation was described as a disturbance, I will be turning to the members of the committee for this. Regarding the incident report by Mr. Brown there is a note here, after we do finally get a judgment from the Attorney General's office, I will be filing criminal charges and when you acquiesced to Roc's behavior, the Board is a part of this.

On to the open meeting law, there are two pages marked in there, one of them in our discussions of the open meeting law and the four meetings other than the CTOC one is the first page on public access, the second paragraph down, it says, you can't have it at public or at private clubs, and that's public clubs or organizations, and that would have been a violation but I know that you had opened up your organization to the public but it can't be a part of the process if it isn't a totally open part. The other marking in the back is where the meeting became an open meeting violation was Mr. Arnett's behavior. If you'll turn to that second part, you'll notice that it says that it becomes null and void from that point on so I don't know what you did with your minutes, but from that point on where I was extricated from the meeting, it became a violation of the law.

Also, I've always requested that I get the full packet, not just the agenda. Again, I don't get the full packet. Why? My involvement has been continual through this, in fact, I love how I was described in the incident report was that a specific individual known to transit operations from time to time exhibited some disruptive tendencies. I didn't know that wearing my baseball cap was a disruptive tendency, especially when Mr. Arnett and Mr. Boggs had conspired beforehand with having securing this. I find it offensive that you had three people of the public here at a meeting, we are not out of order, we aren't out of line, and we never have been.

At the retreat, over at the RPTA, I got permission from Councilwoman Bilsten and Debbie C. to put a sign in front of the central station announcing that CTOC meeting. Mr. Boggs nixed it. You had four public there. You are a citizen's committee. You don't just represent vested interest. Especially you that are at large and the committee. I don't know how you can have a quorum with only three memberships, I don't understand that. I asked Ms. Barker if she had heard when you guys decided that and I would like it explained to me if that would be possible.

Jack Lunsford, Member at Large answered that when there are vacancies, they count against your total number and so therefore there are three out of five here, that constitutes a quorum.

William "Blue" Crowley, citizen said that it's three out of six and it's not a quorum, if you are not counting the one from seven. And as I said, Mary Rose tried to appoint me this past August and Ms. Neville said you can't because you have a Phoenix member already and originally it was so we would go around so we wouldn't have a full committee of just Phoenix.

Jack Lunsford, Member at Large said that he would like to not put this on Ms. Neville and would like to work with Mr. Crowley and with Mr. Hayden to get a response and set it aside as the appointment is not the issue of the this body (CTOC). The appointment is the issue of the designating appointing body, whether it is the County Board of Supervisors or in his and Roc's case the Governor.

William "Blue" Crowley, citizen, said that he would like input into the strategic plan, he did see the packet that was turned into MAG, and sees flaws, especially since those that had input, the East Valley Partnership, and WESTMARC, and because of their representation, he would like to see more public outreach. The sign for two weeks at the Central Station announcing to get input would have more than four people at the meeting. When you read this, it says fifteen. That's interesting.

8. Proposed 2007 CTOC Meeting Schedule and next Scheduled Meeting:

Jack Lunsford, Member at Large asked the Board for approval of the CTOC 2007 meeting schedule.

Board Action: The CTOC 2007 meeting schedule was approved and carried unanimously.

Next Scheduled meeting:

Tuesday, January 30, 2007
Arizona Department of Transportation
206 S. 17th Avenue, # 145-147
Phoenix, Arizona 85007

9. CTOC Board Member Reports:

Jack Lunsford, Member at Large stated that the Central Yavapai Municipal Planning Organization Transportation Summit is on December 5th, 8:00 a.m. at the Hyatt Regency Hotel. There is a fee to attend. This will be similar to the Transportation Summit held here.

Mr. Lunsford explained that Chairman Arnett had knee replacement surgery and is doing well.

10. Closing Comments and Adjournment:

No additional comments were made.

The meeting adjourned at 5:45 p.m.